United Nations A/67/503

General Assembly

Distr.: General
10 October 2012

Original: English

Sixty-seventh session
Agenda items 9 and 130

Report of the Economic and Social Council

Programme budget for the biennium 2012-2013

Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012

Report of the Secretary-General

Summary

The present report details budgetary requirements resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational and resumed organizational sessions for 2012, and the substantive session of 2012. The additional requirements for 2012-2013 arising as a result of those resolutions and decisions are estimated at $1,093,800, of which $107,500 can be absorbed within resources approved for the biennium 2012-2013. The remaining requirements of $986,300 for 2012-2013 would be subject to the procedures established by the General Assembly in its resolutions 41/213 and 42/211. The requirements of $405,400 for 2014 will be considered in the context of the proposed programme budget for the biennium 2014-2015.

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I. Introduction

1. The present report is submitted to inform the General Assembly of the requirements resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012.

2. The Council adopted a number of resolutions and decisions in which it authorized relevant functional commissions, standing committees or expert bodies to undertake additional activities, including meetings, for which no provision had been made in the programme budget for the biennium 2012-2013 and which would have an impact on the estimates of the proposed programme budget for the biennium 2014-2015.[1] In accordance with rule 31 of its rules of procedure, the Council was provided, where appropriate, with a statement of programme budget implications prior to the adoption of those resolutions and decisions.

3. In its report on the revised estimates resulting from resolutions and decisions adopted by the Council at its substantive session of 1999 (A/54/7/Add.2), the Advisory Committee on Administrative and Budgetary Questions requested that future reports on the subject contain full cost estimates, including both conference and non-conference costs, of additional requirements. In response to that request, the additional requirements resulting from the resolutions and decisions adopted by the Council in 2012 relating to the programme budget for the biennium 2012-2013 and those estimated to be required in the proposed programme budget for the biennium 2014-2015, are described below and summarized in the annex to the present report.

4. At its substantive session of 2012, the Council could not consider a number of agenda items and left them open for further consideration, which is expected to take place at its resumed substantive session, to be held before the end of 2012. If any related draft resolutions or decisions entail programme budget implications, the respective revised estimates would be issued as an addendum to the present report, as appropriate and if necessary.

II. Additional requirements and modifications to the programme of work entailed by resolutions and decisions adopted by the Economic and Social Council

A. Resolution 2012/21: Ad Hoc Advisory Group on Haiti

5. Under the terms of paragraphs 6, 7 and 9 of its resolution 2012/21, the Economic and Social Council:

(a) Decided to extend the mandate of the Ad Hoc Advisory Group on Haiti until the substantive session of 2013 of the Council;

[1] The programme budget for the biennium 2012-2013 is contained in document A/66/6 (Introduction) and separate budget section documents (Sects. 1-36 and Income sects. 1-3) and related corrigenda. The proposed programme budget for the biennium 2014-2015 will be contained in document A/68/6 (Introduction) and separate budget section documents (Sects. 1-36 and Income sects. 1-3) and related corrigenda.

(b) Expressed its satisfaction to the Secretary-General for the support provided to the Advisory Group, and requested him to continue to support the activities of the Group adequately and within existing resources;

(c) Requested the Advisory Group to submit a report on its work, with recommendations, as appropriate, to the Council for consideration at its substantive session of 2013.

6. The Council was informed that, as a result of the adoption of resolution 2012/21, it was expected that the support to be provided to the Ad Hoc Advisory Group would consist of travel, daily subsistence allowance and terminal expenses for six members of the Group (Bahamas, Benin, El Salvador, Haiti, Peru and Trinidad and Tobago) and two staff members of the Department of Economic and Social Affairs to conduct a consultation meeting with the Bretton Woods institutions in 2013 and to undertake a mission to Haiti in April of the same year. Meeting support services in Haiti would also be required, as appropriate. Moreover, it was anticipated that the other members of the Advisory Group would fund their own travel requirements.

7. It was also recalled that, in the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its substantive session of 2011 (A/66/510), the General Assembly was informed, in connection with the provisions of Council decision 2011/268, that the requirements of the Advisory Group for 2012, estimated at $21,900, would be met from within the resources under section 9, Economic and social affairs, of the programme budget for 2012-2013. The Advisory Group was expected to travel to Haiti in April 2012. In fact, the mission took place in May 2012 at a total cost of $13,119, reflecting the level of support provided to date to the Advisory Group.

8. The resource requirements to undertake consultative missions to Haiti and Washington, D.C., in 2013 are estimated at $17,500, for which provision has not been made in the programme budget for 2012-2013. This provision would cover (a) travel, daily subsistence allowance and terminal expenses for the Advisory Group members to Haiti and Washington, D.C. ($15,500), and (b) meeting support service requirements in Haiti ($2,000).

9. It was expected that the requirements of $17,500 to provide for one mission each to Haiti and Washington, D.C., in 2013 and related meeting support service requirements would be met from within the resources approved for section 9, Economic and social affairs, of the programme budget for 2012-2013.

10. Taking into account that the actual requirements for financing activities of the Advisory Group in 2012 amounted to $13,119 and that the Group would undertake missions to Haiti and Washington, D.C., in 2013, it was expected that the requirement of $17,500 would be met from within the provisions approved under section 9, Economic and social affairs, of the programme budget for 2012-2013. Accordingly, no additional appropriation is requested as a result of the adoption of this resolution.

11. With respect to the provisions in paragraph 7 of the resolution, the attention of the Council was drawn to the provisions in section VI of General Assembly resolution 45/248 B and subsequent resolutions, the most recent of which is resolution 66/246, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for

administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

B. Resolution 2012/32: Report of the Committee for Development Policy on its fourteenth session

12. Under the terms of paragraphs 3 to 6 of its resolution 2012/32, the Economic and Social Council:

(a) Endorsed the recommendation of the Committee for Development Policy that South Sudan be added to the list of least developed countries, subject to the concurrence of the Government of South Sudan, and invited the General Assembly to take note of that recommendation;

(b) Endorsed the recommendation of the Committee that Vanuatu be graduated from the list of least developed countries, and recommended that the General Assembly take note of that recommendation;

(c) Took note of the recommendation of the Committee that Tuvalu be graduated from the list of least developed countries, and decided to consider that issue at its substantive session of 2013, allowing the Council an opportunity for full consideration of the particular challenges that Tuvalu faces;

(d) Recalled its endorsement, made in 2009 and reiterated at subsequent sessions, of the recommendation of the Committee that Equatorial Guinea be graduated from the list of least developed countries, and urged the General Assembly to take note of that recommendation.

13. The Council was informed that the adoption of resolution 2012/32 would entail additional requirements up to $90,000 under section 1, Overall policymaking, direction and coordination, of the programme budget for the biennium 2012-2013 to cover the travel of up to five representatives of South Sudan to attend the General Assembly. Every effort would be made to meet the additional requirements within existing resources and to report thereon in the context of the second performance report for 2012-2013. Therefore, no additional appropriation is requested as a result of the adoption of resolution 2012/32.

C. Resolution 2012/29: Report of the Committee on Economic, Social and Cultural Rights at its forty-sixth and forty-seventh sessions

14. Under the terms of paragraph 1 of its resolution 2012/29, the Economic and Social Council decided to approve, as a temporary measure and without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, the extension of the second annual session of 2013 of the Committee on Economic, Social and Cultural Rights by one week and the first annual session of 2014 by one week, for a total of two extra weeks of meeting time, to be used for the consideration of reports of States parties to the International Covenant on Economic, Social and Cultural Rights, with a view to reducing the backlog in the consideration of those reports, and also decided to approve the participation of up to 10 members

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of the Committee in both pre-sessional working group meetings in 2013, in order to prepare the consideration of extra reports.

15. The Council was provided with a statement of programme budget implications (E/2012/L.31) as follows.

16. Provision has been made in the programme budget for the biennium 2012-2013 for travel and per diem costs of the 18 members of the Committee to attend its two annual regular sessions of 15 working days each and, following each session, a 5-day pre-session working group meeting of 5 members, as well as for substantive, conference and support services to the Committee and the pre-session working group.

17. The provision of additional resources called for in resolution 2012/29 would enable the Committee to consider a greater number of reports. Currently, approximately 45 reports are pending consideration by the Committee. With the present secretariat support, the Committee considers approximately 10 reports per year, spread over two sessions. An average of 18 new reports is received each year for consideration by the Committee. As a result, the Committee's backlog is not diminishing. The average time between the receipt of a report and its consideration of it by the Committee amounts to four years. The extra meeting time and related additional resources, requested in the draft resolution, would enable the Committee to consider approximately six additional reports per year.

18. Additional resources for general temporary assistance would be required to provide for one position at the P-3 level for six months, including four months in 2013 and two months in 2014. Such assistance would entail research and analysis; assisting the Committee with the drafting of lists of issues and concluding observations, taking into account the jurisprudence of the Committee and other international and regional bodies; assisting the Committee's rapporteur; finalization of the final text, as appropriate; follow-up, as required; and servicing of the meetings of the respective Committee session.

19. Additional documentation would also be required over the two-year period, comprising an estimated 760 additional pages of pre-session and 90 pages of in-session documentation in the working languages of the Committee, and 90 pages of post-session documentation in the official languages of the Committee, spread over the two sessions during 2013 and 2014.

20. The additional meeting time would not incur further travel costs; however, further daily subsistence allowance for 18 members for an extra week would be required. Moreover, a daily subsistence allowance would be required for five additional participants of the pre-sessional working group, which currently consists of five members.

Conference-servicing requirements

21. It is estimated that additional conference-servicing requirements of $1,122,300 would arise, including $1,116,500 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $5,800 under section 29E, Administration, Geneva, of which (a) the amount of $817,000 for 2013, including $814,100 under section 2 and $2,900 under section 29E, would be required under the programme budget for 2012-2013, and (b) the amount of $305,300 for 2014, including $302,400 under section 2 and $2,900 under section

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General Assembly

Distr.: General
10 October 2012
English
Original: French

Sixty-seventh session
Agenda item 110 (d)
Elections to fill vacancies in subsidiary organs and other elections: election of eighteen members of the Human Rights Council

Note verbale dated 3 October 2012 from the Permanent Mission of the Republic of Côte d'Ivoire to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Côte d'Ivoire to the United Nations has the honour to recall that Côte d'Ivoire has submitted its candidacy for a seat on the Human Rights Council, for the period 2013-2015, at the elections scheduled to take place at the sixty-seventh session of the General Assembly.

The Permanent Mission of the Republic of Côte d'Ivoire wishes to note that the Ivorian candidacy has already been endorsed by the African Union and has the honour to transmit an aide-mémoire describing the commitments that the Republic of Côte d'Ivoire has undertaken voluntarily, in accordance with General Assembly resolution 60/251 (see annex).

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29E, would be considered in the context of the proposed programme budget for 2014-2015.

Non-conference-servicing requirements

22. It is estimated that a provision for general temporary assistance, equivalent to six work-months at the P-3 level, including $61,500 for 2013 and $30,800 for 2014, would be required. The amount of $61,500, equivalent to four work-months, would be required under section 24, Human rights, of the programme budget for 2012-2013, while the remaining provision for two months, amounting to $30,800, would be considered in the context of the proposed programme budget for 2014-2015.

23. The additional amount of $69,300 per year would be required for the daily subsistence allowance of 18 Committee members for an extra week per session. The amount of $38,500 would also be required for the daily subsistence allowance of five additional members to participate in both pre-sessional working group meetings in 2013. Consequently, the amount of $107,800 would be required under section 24, Human rights, of the programme budget for 2012-2013, while the 2014 provision, amounting to $69,300, would be considered in the context of the proposed programme budget for 2014-2015.

24. Moreover, an amount of $8,700, including $5,800 for 2013 and $2,900 for 2014, would be required under section 37, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.

25. In summary, the total additional requirements relating to the extra workload to eliminate a backlog of 12 reports would amount to $1,391,700, enumerated in table 1 below. The amount of $986,300 for 2013 would be required under the programme budget for 2012-2013. The amount of $405,400 to provide for the 2014 requirements would be considered in the context of the proposed programme budget for 2014-2015.

Table 1
Additional requirements in 2013 and 2014
(United States dollars)

	2013	*2014*	*Total*
Section 2, General Assembly and Economic and Social Council affairs and conference management			
Interpretation	58 300	58 300	**116 600**
Processing of documentation	755 800	244 100	**999 900**
Total	**814 100**	**302 400**	**1 116 500**
Section 24, Human rights			
General temporary assistance (6 months at the P-3 level)	61 500	30 800	**92 300**
Daily subsistence allowance for 18 members for 1 additional week per session	69 300	69 300	**138 600**
Daily subsistence allowance for 5 additional members for 1 week pre-sessions twice in 2013	38 500	–	**38 500**
Total	**169 300**	**100 100**	**269 400**
Section 29E, Administration, Geneva			
Support services requirements	2 900	2 900	**5 800**
Total	**2 900**	**2 900**	**5 800**
Grand total	**986 300**	**405 400**	**1 391 700**

26. No provision to finance the foregoing additional resource requirements of $986,300 for 2013 has been included under the programme budget for 2012-2013 and it is not anticipated that those requirements could be met from within the resources of the programme budget for that biennium.

27. In summary, additional resource requirements in the total amount of $986,300 for 2013 would arise under the programme budget for 2012-2013, including $814,100 under section 2, General Assembly and Economic and Social Council affairs and conference management, $169,300 under section 24, Human rights, and $2,900 under section 29E, Administration, Geneva, of the programme budget for 2012-2013. The amount of $405,400 for 2014 would be considered in the context of the proposed programme budget for 2014-2015.

28. An additional amount of $8,700, including $5,800 for 2013 and $2,900 for 2014, would also be required under section 37, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.

III. Overall requirements

29. The implications of resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012 would give rise to additional requirements of $1,093,800 for the biennium 2012-2013, as shown in table 2 below and in the annex to the present report, of which the amount of $107,500 is expected to be absorbed within the relevant sections of the approved appropriations for 2012-2013. Therefore, the adoption by the General Assembly of the resolutions recommended by the Council at its organizational sessions and the substantive session of 2012 would entail additional requirements of $986,300 for the programme budget for 2012-2013. The additional requirements of $405,400 for 2014 would be considered in the context of the proposed programme budget for 2014-2015.

30. It is not possible at this stage to identify activities, relating to resolution 2012/29, within sections 2, 24, and 29E of the programme budget for the biennium 2012-2013 that could be terminated, deferred, curtailed or modified during the biennium in order to provide for the additional requirements of $986,300.

Annex to the note verbale dated 3 October 2012 from the Permanent Mission of Côte d'Ivoire to the United Nations addressed to the President of the General Assembly

Candidacy of the Republic of Côte d'Ivoire to the Human Rights Council (2013-2015)

Voluntary obligations and commitments of the Republic of Côte d'Ivoire in support of its candidacy to the Human Rights Council for the period 2013-2015

General policy in the area of human rights

Introduction

Côte d'Ivoire covers an area of 322,463 km^2, or 1 per cent of the African continent. It is situated in West Africa and is bordered to the east by Ghana, to the north by Mali and Burkina Faso and to the west by Liberia and Guinea; it has a coastline of 600 km which constitutes its southern border. A former French colony, it has been independent since 7 August 1960.

Côte d'Ivoire's commitment to the promotion and protection of human rights derives from the policy of peace and dialogue of the founding father of the Ivorian nation, Félix Houphouët-Boigny, which affirms the sanctity of the human person and places the individual at the heart of all undertakings of society.

This commitment is put into practice through a variety of legal instruments at both the national and the international levels.

Institutional framework

Political mechanisms

The legislature

Article 71 of the Constitution provides, in paragraph 1, that the National Assembly possesses legislative power and enacts laws and, in paragraph 2, that the laws establish provisions concerning citizenship and the civic rights and fundamental guarantees accorded to citizens for the exercise of public freedoms. It follows from the foregoing that in Côte d'Ivoire, the National Assembly is the body responsible for establishing the legal regime of rights and freedoms, through laws for which it takes the initiative along with the Government. Moreover, by virtue of its power to monitor government actions, under article 82 of the Constitution, the National Assembly is the guarantor of the protection of rights and freedoms, in particular through the power to amend draft legislation, the right to receive information about government actions and the establishment, on its own initiative, of parliamentary commissions of inquiry. By these means, although they are not accompanied by penalties, the Parliament, through the enactment of laws, is able to monitor the functioning of the administration, keep the public informed and strengthen the rule of law in Côte d'Ivoire.

The executive branch

The Government assigns questions of the protection and promotion of human rights to the Ministry of human rights and public freedoms.

Under article 20 of decree No. 2011-118 of 22 June 2011 on the functions of the components of the Government, the Ministry of human rights and public freedoms is responsible for the implementation and follow-up of Government policy in the area of human rights and public freedoms.

Political parties and groupings

Since 1990, over 100 political parties, groupings and movements have participated in the democratic arena, in accordance with article 14 of the Constitution, whereby political parties and movements contribute to the expression of the public will and the exercise of the right to vote.

These parties and groups perform the function of monitoring democracy and raising alerts, training and educating citizens, particularly on the status of freedoms, and proposing reforms with a view to the consolidation of democracy. To that end, they have a broad range of constitutional rights and, in particular, freedom of association and freedom to organize public events and pursue other legal means of action to compel the authorities to respect civic freedoms and prevent violations of rights.

Since 2005, political parties and movements have been eligible for public financing in accordance with decision No. 2005-07/PR of 15 July 2005, which defines the modalities and conditions of the provision of such financing.

Juridical mechanisms

The Constitutional Court

Under the relevant provisions of the 2000 Constitution, the Constitutional Court is the guarantor of the separation of powers, respect for the constitutionality of laws and fundamental rights and principles, and the proper functioning of national institutions. To that end, it resolves conflicts of competence between the various authorities, announces the results of elections and settles electoral disputes. It has advisory power with regard to the implementation of article 48 of the Constitution concerning the powers of the President of the Republic in exceptional circumstances. In the area of monitoring, the Constitutional Court has broad powers encompassing monitoring a priori, or active monitoring; monitoring a posteriori; and pleas of unconstitutionality, which are an effective guarantee for the protection of rights and freedoms. In Côte d'Ivoire, a plea of unconstitutionality may be entered by any citizen before any of the courts and at all stages of judicial procedures. Moreover, under article 77 of the Constitution, human rights protection organizations may apply to the Constitutional Court in respect of laws concerning public freedoms, which is of major benefit in consolidating the rule of law.

The judiciary

The judiciary is the cornerstone of the protection and promotion of human rights in Côte d'Ivoire. The judiciary, which is independent from the executive and legislative branches, consists, under the Constitution, of the higher courts (Court of

Table 2
Additional requirements under the programme budgets for the bienniums 2012-2013 and 2014-2015

(United States dollars)

	2012-2013			*2014-2015*
	Total requirements	*To be absorbed*	*Additional requirements*	*Additional requirements*
Section 1. Overall policymaking, direction and coordination	90 000	90 000	–	–
Section 2. General Assembly and Economic and Social Council affairs and conference management	814 100	–	814 100	302 400
Section 9. Economic and social affairs	17 500	17 500	–	–
Section 24. Human rights	169 300	–	169 300	100 100
Section 29E. Administration, Geneva	2 900	–	2 900	2 900
Total	**1 093 800**	**107 500**	**986 300**	**405 400**

31. An additional amount of $8,700, including $5,800 for 2013 and $2,900 for 2014, would be also required under section 37, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.

IV. Contingency fund

32. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditure derived from legislative mandates not provided for in the programme budget. Under the procedure in paragraph 9 of annex I to resolution 41/213, if additional expenditure were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

33. As mentioned in section III above, a net additional provision of $986,300 will be required over and above the resources in the programme budget for the biennium 2012-2013. This provision would represent a charge against the contingency fund and, as such, would require the increase in appropriations for 2012-2013.

V. Recommendations

34. **Of the consolidated requirements resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012, only resolution 2012/29 would give rise to net additional requirements of $986,300 under the programme budget for the biennium 2012-2013, including under (a) section 2, General Assembly and Economic and Social Council affairs and conference management ($814,100),**

(b) section 24, Human rights ($169,300), and (c) section 29E, Administration, Geneva ($2,900).

35. **No provision was made under sections 2, 24 and 29E of the programme budget for the biennium 2012-2013 to cover those additional requirements. Consequently, a net additional provision of $986,300 is sought over and above the resources of the programme budget for 2012-2013. This provision would represent a charge against the contingency fund for 2012-2013.**

36. **The General Assembly may also wish to take note of the additional requirements of $405,400 for the biennium 2014-2015, including under (a) section 2, General Assembly and Economic and Social Council affairs and conference management ($302,400), (b) section 24, Human rights ($100,100), and (c) section 29E, Administration, Geneva ($2,900), which would be considered in the context of the proposed programme budget for 2014-2015.**

Annex

Summary of additional requirements resulting from resolutions and decisions adopted by the Economic and Social Council at its organizational sessions and the substantive session of 2012

(United States dollars)

		Budget section	*Total requirements*	*Requirements to be absorbed in 2012-2013*	*Additional requirements in 2012-2013*	*Additional requirements in 2014-2015*
Economic and Social Council resolutions						
2012/21	Ad Hoc Advisory Group on Haiti	9	17 500	17 500	–	–
2012/29	Report of the Committee on Economic, Social and Cultural Rights on its forty-sixth and forty-seventh sessions	2	1 116 500	–	814 100	302 400
		24	269 400	–	169 300	100 100
		29E	5 800	–	2 900	2 900
Subtotal resolution 2012/29			**1 391 700**	**–**	**986 300**	**405 400**
2012/32	Report of the Committee for Development Policy on its fourteenth session	1	90 000	90 000	–	–
Total			**1 499 200**	**107 500**	**986 300**	**405 400**